

COMMITTEE OF THE WHOLE

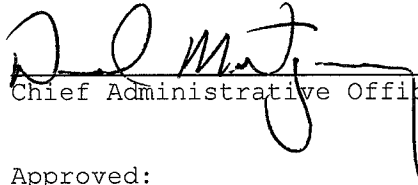
11-0555R

RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CITY OF
DULUTH V. KRISTIN RAE SHALLOW AND JEANNE MARIE SHALLOW
IN THE AMOUNT OF \$5,000.

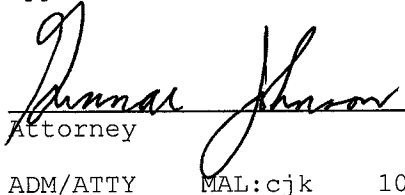
CITY PROPOSAL:

RESOLVED, that the city council approves settlement in the amount of \$5,000 of all claims or causes of actions asserted by the city of Duluth in that matter venued in the District Court of Minnesota, Sixth Judicial District and identified as City of Duluth v Kristin Rae Shallow and Jeanne Marie Shallow, File No. 69DU-CV-10-2358 and further authorizes the proper city officials to execute all documents necessary to conclude this matter on a full, final and complete basis, funds to be deposited in Fund 610-036-1651-4680 (Self Insurance Fund, Insurance General City, Damages or Losses Recovered).


Approved for presentation to council:


Chief Administrative Officer

Approved as to form:


Attorney

Approved:


Auditor

ADM/ATTY MAL:cjk 10/14/2011

STATEMENT OF PURPOSE: This resolution authorizes a settlement in a civil action commenced by the city of Duluth. On July 16, 2005 an automobile accident occurred involving motor vehicles being driven by a city of Duluth police officer and Kristin Rae Shallow. The accident happened in the intersection of 5th Avenue West and the off ramp of northbound Interstate 35. The officer was operating with lights and sirens and proceeding through a red light. Because the officer was operating with lights and sirens the officer enjoyed the legal right-of-way. However, because of the configuration of the intersection, Shallow did not hear the siren or see the emergency lights, failed to yield, and proceeded into the

intersection. The city sustained approximately \$14,000 in damages. The city attorney's office has fully investigated the facts of the accident and studied the applicable law. Because of the questionable liability issues associated with this matter for all parties, a negotiated settlement of \$5,000 was agreed to. Because the amount of the city's damage exceeds \$10,000 city council approval of this settlement is required. The city attorney's office recommends this settlement.